

## REMARKS

Claims 8, 9, 11, 14, 38-40 and 51 are now pending in the application. Claim 38 has been amended for clarity. The Examiner is respectfully requested to reconsider and withdraw the rejection(s) in view of the amendments and remarks contained herein.

### REJECTION UNDER 35 U.S.C. § 103

Applicant respectfully requests reconsideration of the rejection of Claims 8, 9, 11, 14, 38-40 and 51 under 35 U.S.C. § 103(a) as being unpatentable over Stereotaxis (WO00/07641) in view of Roberts et al. (Remote Control of Catheter Tip Deflection: An Opportunity for Interventional MRI, in view of Osdchy et al. (U.S. Pat. No. 6,266,551).

Claim 38 required a memory device provided on the flexible medical device that includes information on the physical and geometric properties of the medical device including one or more cross-sectional areas of the elongate device and an elastic property of the elongate medical device that are relevant to navigational control of the device. This is not shown in Stereotaxis (WO00/07641) or Roberts et al. See Office Action, page 5, ¶ 10. It is also not shown in Osdchy et al. Osdchy et al. discloses the storage of correction factors for a localization coil carried on a medical device. Osdchy et al. does not teach the storage of physical properties of the medical device itself. The data stored by Osdchy et al. does not relate to determining *how* to move the distal tip to a particular location and orientation, but on how to more accurately determine where the tip is.

Claim 38 requires the storage of a different kind of information than Osdchy et al. This information is used differently from the Osdchy et al. information, and for a different

purpose than in Osdchy et al. Rather than calibration information, claim 38 requires storage of physical properties of the medical device itself. Rather than using the information to determine where the device is, claim 38 requires using the information to moving the device to a desired position and orientation. Finally, rather than knowing where the device is, claim 38 requires moving the device to a selected location.

For at least these reasons, applicant respectfully submits that it would not have been obvious to a person of ordinary skill in the art to modify Osdchy et al.'s teaching of storing calibration data for a localization device carried on a medical device, to store physical properties of the medical device itself for remotely controlling the medical device.

Claims 8, 9, 11, 14, 39-40 and 51 depend from claim 38, and are allowable for at least the same reasons discussed above with respect to claim 38.

**CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (314) 726-7505.

Respectfully submitted,

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